

MI Child Support Formula - Support for Changes in 128-day Rule in Child Support Guidelines

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Subject: Support for Changes in 128-day Rule in Child Support Guidelines

Honorable Supreme Court Justices:

I support most of the proposed changes in the Child Support Guidelines. I have followed with interest the recent hearings on the proposed changes to the Support Guidelines and I support most of the recommendations of the Guidelines Committee. In particular, I support the changes that eliminate the discontinuity in the support formula that occurs at 128 days of visitation for the non-custodial parent. I support the changes for the following reasons:

I. A Discontinuity At 128 Days Makes No Sense

Neither facts nor logic support such a large and abrupt change in the support guidelines at 128 days. This is an arbitrary and fictitious number. A smooth and continuous formula would be much fairer and would reduce litigation regarding the 128-day discontinuity.

II. Best Interests of the Children

Contrary to statements made by opponents to the changes, these changes are in the best interests of the children. Non-custodial parents must also provide a home, food, clothing, entertainment, etc. for their children. It harms the children to have a non-custodial parent put into financial difficulty due to unfair support orders.

III. Family Law Lawyers Oppose Changes

I find it revealing that some of the strongest opponents to the changes are family law attorneys such as the American Academy of Matrimonial Lawyers. These lawyers claim that the changes are not in the "best interests of the children". However, they cite no credible research to support this claim and their reasoning for their claims are not persuasive. It is more likely they fear these changes will reduce litigation. A reduction in litigation would be very good for the children and parents.

IV. The Guidelines Committee Recommends the Changes

The Committee that was created by this Court to study the guidelines and to make recommendations to the Court has carefully studied the issues. The Committee recommends the changes to the Guidelines. The work of this Committee should be given appropriate weight. In the absence of persuasive evidence that the Committee erred, the recommendations of the Committee should be followed.

V. Changes Will Not Be A Windfall For Non-Custodial Parents

The opponents to the changes argue that the changes will merely reduce the support payments of the non-custodial parents. However, while this may be true for some non-custodial parents, it is not true for others. Some non-custodial parents will pay more. In addition, on a philosophical level, I find the redistribution of wealth via child support disturbing. I also believe this large redistribution of wealth encourages divorce. How is that in the best interests of the children?

COLA Adjustments

I am concerned that adding Cost of Living Adjustments could be harmful. How will these be implemented? Plenty of errors are already made in the support arrearage computations by the FOC. When these errors occur, the results are very serious. Credit records are damaged, people are arrested, cars and homes are confiscated, jobs lost, suicides, etc. I am concerned that complications from a COLA will increase such harmful effects and offer only minor benefits.

Conclusion

I urge the Court to approve the recommend changes in the Support Guidelines that eliminate the 128-day cliff effect. This is fair, reasonable, and is in the best interests of the children. In the future I urge the Court to make reforms that will eliminate gender bias in divorce court and allow both parents to remain involved with their children.

Sincerely,

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